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9 Attorneys for Counterclaim Defendant and Counterclaimant
10 HYPERROLL, INC.

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20 Attorneys for Defendant, Counterclaimant and Counterclaim
21 Defendant
22 HYPERION SOLUTIONS CORP.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

21 HYPERROLL ISRAEL LTD.,

Case No. 05-CV-02431-VRW

22 Plaintiff, Counterclaim
23 Defendant, and
24 Counterclaimant,

STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS
[ADR L.R. 3-5]

v.

25 HYPERION SOLUTIONS CORP.,

26 Defendant,
27 Counterclaimant, and
28 Counterclaim Defendant,

1
2 v.
3 HYPERROLL, INC.,
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5 Counterclaim Defendant
and Counterclaimant

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7 Counsel report that they have met and conferred regarding ADR and have reached the
following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:
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9 The parties agree to participate in the following ADR process:
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11 **Court Processes:**

12 Non-binding Arbitration (ADR L.R. 4)
13 Early Neutral Evaluation (ENE) (ADR L.R. 5)
14 Mediation (ADR L.R. 6)

15 *(Note: Parties who believe that an early settlement conference with a Magistrate Judge is
16 appreciable more likely to meet their needs than any other form of ADR, must participate in an
ADR phone conference and may not file this form. They must instead file a Notice of Need for
17 ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

18 **Private Process:**

19 Private ADR Mediation (Mediator to be selected by parties)

20 The parties agree to hold the ADR session by:

21 the presumptive deadline (*The deadline is 90 days from the date of the order
22 referring the case to an ADR process unless otherwise ordered.*)

23 other requested deadline 90 days from the date of the order (parties may
24 request additional time depending upon the availability of mediator)

1 Dated: September 27, 2005

COOLEY GODWARD LLP
WAYNE O. STACY (*pro hac vice*)

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4 Wayne O. Stacy
5 Attorneys for Plaintiff, Counterclaim Defendant,
6 and Counterclaimant
7 HYPERROLL ISRAEL LTD.

8 Dated: September 27, 2005

COOLEY GODWARD LLP
WAYNE O. STACY (*pro hac vice*)

9 Wayne O. Stacy
10 Attorneys for Counterclaim Defendant and
11 Counterclaimant
12 HYPERROLL, INC.

13 Dated: September 27, 2005

14 THELEN REID & PRIEST LLP
15 RONALD F. LOPEZ (111756)

16 Ronald F. Lopez
17 Attorneys for Defendant, Counterclaimant, and
18 Counterclaim Defendant
19 HYPERION SOLUTIONS CORP.

20 Filer's Attestation: Pursuant to General Order No. 45, Filer's Attestation: Pursuant to General
21 Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the
22 document has been obtained from all the signatories.

23 Dated: 09/28/05

Sam J. Dola

1 [PROPOSED] ORDER

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3 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

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- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR (Mediation – Mediator to be selected by parties)

Deadline for ADR session

90 days from the date of this order

other (at least 90 days from date of this order; parties may request additional time depending upon availability of mediator)

IT IS SO ORDERED.

Dated: _____

